

We provide this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: June 23, 2009.

**Susan K. Moore,**

*Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California.*

[FR Doc. E9-15395 Filed 6-29-09; 8:45 am]

**BILLING CODE 4310-55-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-631]

### In the Matter of Certain Liquid Crystal Display Devices and Products Containing the Same; Notice of Commission Decision To Affirm-In-Part and Reverse-In-Part a Final Initial Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and a Cease and Desist Order; and Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm-in-part and reverse-in-part a final initial determination ("ID") of the presiding administrative law judge ("ALJ") finding a violation of section 337 by the respondents' products in the above-captioned investigation, and has issued a limited exclusion order directed against products of respondents Sharp Corporation of Japan; Sharp Electronics Corporation of Mahwah, New Jersey; and Sharp Electronics Manufacturing Company of America, Inc. of San Diego, California (collectively "Sharp"); and cease and desist orders direct against products of Sharp Electronics Corp. and Sharp Electronics Manufacturing Co.

#### FOR FURTHER INFORMATION CONTACT:

Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation

may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on January 25, 2008, based on a complaint filed by Samsung Electronics Co., Ltd. ("Samsung") of Korea. 73 FR 4626-27. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain liquid crystal display ("LCD") devices and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,193,666; 6,771,344 ("the '344 patent'"); 7,295,196; and 6,937,311 ("the '311 patent'"). The complaint further alleges the existence of a domestic industry as to each asserted patent. The Commission's notice of investigation named the following respondents: Sharp Corporation of Japan; Sharp Electronics Corporation of Mahwah, New Jersey; and Sharp Electronics Manufacturing, Company of America, Inc. of San Diego, California.

On January 26, 2009, the ALJ issued his final ID finding a violation of section 337 by respondents as to the '311 and '344 patents only, and issued his recommended determinations on remedy and bonding. On February 9, 2009, Sharp and the Commission investigative attorney ("IA") filed petitions for review of the final ID. The IA and Samsung filed responses to the petitions on February 17, 2009.

On March 30, 2009, the Commission determined to review: (1) The ALJ's construction of the claim term "domain dividers" found in the '311 patent;" (2) the ALJ's determination that Sharp's LCD devices infringe the '311 patent;" (3) the ALJ's determination that the '311 patent is not unenforceable; and (4) the ALJ's determination that the asserted claims of the '344 patent are not invalid as anticipated by U.S. Patent No. 5,309,264 ("the '264 patent'").

The Commission requested the parties to respond to certain questions concerning the issues under review and requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties. 74 FR 15301-02 (April 3, 2009).

On April 10 and April 17, 2009, respectively, complainant Samsung, the

Sharp respondents, and the IA filed briefs and reply briefs on the issues for which the Commission requested written submissions. Also, the Commission received four submissions from interested non-parties on the issues of remedy, the public interest, and bonding.

Having reviewed the record in this investigation, including the final ID and the parties' written submissions, the Commission has determined to affirm-in-part and reverse-in-part the ID. Particularly, the Commission has construed the term "domain dividers" in claims 6 and 8 of the '311 patent to be "apertures formed in the conductive layer comprising the electrode." Further, the Commission has reversed the ALJ's ruling of infringement of the '311 patent by Sharp's LCD devices and determined that these devices do not infringe claims 6 and 8 under the Commission's claim construction of "domain dividers." Also, the Commission has taken no position on the validity of the '311 patent pursuant to 35 U.S.C. 112, ¶ 1, under the ALJ's construction of "domain dividers," or the unenforceability of the '311 patent. In addition, the Commission has affirmed the ALJ's finding that claims 7 and 8 of the '344 patent are not invalid in view of the '264 patent, and affirm his determination of a violation of section 337 with respect to the '344 patent.

Further, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is both: (1) A limited exclusion order prohibiting the unlicensed entry of LCD devices, including display panels and modules, and LCD televisions or professional displays containing the same that infringe claims 7 or 8 of the '344 patent, that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Sharp, or any of its affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns; and (2) cease and desist orders prohibiting Sharp Electronics Corp. and Sharp Electronics Manufacturing Co. from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, LCD devices, including display panels and modules, and LCD televisions or professional displays containing the same that are covered by claims 7 or 8 of the '344 patent.

The Commission further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the limited exclusion order or the cease and desist order. Finally, the Commission determined that no bond is required to permit temporary importation during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of its issuance.

The Commission has terminated this investigation. The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42, 210.45, and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42, 210.45, 210.50).

By order of the Commission.  
Issued June 24, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-15387 Filed 6-29-09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. JLG Enterprises, et al.*, D. Minn., Civil No. 09-00708, was lodged with the United States District Court for the District of Minnesota on June 23, 2009.

This proposed Consent Decree concerns a complaint filed by the United States against Jeffrey Gilbert, individually and d/b/a/JLG Enterprises; Gary Gilbert, individually and d/b/a JLG Enterprises; JLG Enterprises, a Minnesota general partnership; and JLG Enterprises of Hermantown, LLP, a Minnesota limited liability partnership, pursuant to sections 301(a), 309 and 404 of the Clean Water Act, 33 U.S.C. 1311(a), 1319 and 1344, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas and/or perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this

proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Joshua M. Levin, U.S. Department of Justice, Environment & Natural Resources Division, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and refer to *United States v. JLG Enterprises*, DJ # 90-5-1-1-18212.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Minnesota, 300 South 4th Street, Suite 202, Minneapolis, MN 55415. In addition, the proposed Consent Decree may be viewed at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html).

**Maureen M. Katz,**

*Assistant Section Chief, Environment & Natural Resources Division.*

[FR Doc. E9-15389 Filed 6-29-09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Federal Water Pollution Control Act

Notice is hereby given that on June 12, 2009, a proposed Consent Decree was filed with the United States District Court for the District of Nebraska in *United States et al. v. City of West Point, et al.*, No. 08-00293 (D. Neb.). The proposed Consent Decree entered into by the United States, the State of Nebraska, and West Point Dairy Products, LLC resolves the United States' claims against West Point Dairy Products, LLC under Sections 307 and 309 of the Federal Water Pollution Control Act (Clean Water Act) at its West Point, Nebraska facility. Under the terms of the Consent Decree, West Point Dairy Products, LLC shall pay a civil penalty of \$75,000 each to the United States and State of Nebraska and dismiss with prejudice its cross-claims against the City of West Point, Nebraska.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States et al. v. City of West Point, et al.*, DJ Ref. No. 90-5-1-1-09326.

The proposed Agreement may be examined at the Office of the United States Attorney for the District of

Nebraska, 487 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508, and at the Environmental Protection Agency, Region 7, 901 N. 5th St., Kansas City, KS 66101. During the public comment period, the proposed Agreement may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$5.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E9-15412 Filed 6-29-09; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Registration

By Notice dated April 1, 2009, and published in the **Federal Register** on April 9, 2009, (74 FR 16234), Lipomed, Inc., One Broadway, Cambridge, Massachusetts 02142, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Cathinone (1235) .....	I
Methcathinone (1237) .....	I
N-Ethylamphetamine (1475) .....	I
Fenethylamine (1503) .....	I
Methaqualone (2565) .....	I
Gamma Hydroxybutyric Acid (2010).	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine. (7348) .....	I
Marihuana (7360) .....	I
Tetrahydrocannabinols (7370) .....	I
Mescaline (7381) .....	I
3,4,5-Trimethoxyamphetamine (7390).	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I